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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, v. TRENTON KYLE EVANS, Defendant.	**MEMORANDUM DECISION AND ORDER GRANTING MOTION TO CONTINUE TRIAL AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT** Case No. 4:22-cr-00012-DN-PK District Judge David Nuffer Magistrate Judge Paul Kohler

Based on Defendant's Stipulated Motion to Continue Jury Trial("Motion")[1] and for good cause appearing, the court makes the following findings:

1.   Defendant first appeared before the court on March 7, 2022, for an arraignment on his indictment.[2] Trial was scheduled for May 17, 2022, within the 70-day time required by the Speedy Trial Act.

2.   Defendant has moved to continue trial for 120 days pursuant to 18 U.S.C. § 3161(h)(7) (ends of justice).[3] This is the defense's first request for continuance of the trial in this matter.

3.   Defense asks the Court to continue the trial in light of the factual findings in General Orders 21-003, which were adopted in later General Orders.[4]

4.   Both parties intend to discuss potential resolution of this case after discovery is completed. Defendant is alleged to have multiple other cases in numerous other states and districts.

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[1] Docket no. 14, filed April 29, 2022.

[2] Minute Entry for Proceedings before Magistrate Judge Paul Kohler, docket no. 6, filed March 7, 2022.

[3] Motion at 2.

[4] Motion at 3.

Global resolution of these cases is sought by Defendant, and will take time and the cooperation of outside parties.

5.   Defense counsel requires additional time to conduct investigation as to the factual issues in this action and the potential mandatory minimums.

6.   Defendant is in custody and has agreed to this continuance.[5]

7.   Counsel for the government, Jay T. Winward, does not object to a continuance.[6]

8.   There are no other defendants in this case.[7]

DISCUSSION

An "ends of justice" exclusion of time under the Speedy Trial Act is disfavored and "was meant to be a rarely used tool for those cases demanding more flexible treatment."[8]

Failure to grant the requested continuance, however, would result in a miscarriage of justice and would deny counsel for the government and Defendant the reasonable time necessary for effective preparation. Defense counsel requires additional time to investigate factual issues in this case.[9] Additionally, defense counsel and the government are negotiating a potential pre-trial resolution, including a potential global resolution of the various claims against Defendant. 120 days should allow parties to make significant progress in this goal.[10] Therefore, the ends of justice served by this continuance outweigh the best interests of the public and Defendant in a

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[5] *Id*. at 4.

[6] *Id*.

[7] *Id*.

[8] United States v. Toombs, 574 F.3d 1262, 1269 (10th Cir. 2009).

[9] Motion at 4.

[10] Motion at 3-4.

speedy trial. The time from the filing of this motion to the new trial date will be excluded from

Defendant's speedy trial computation. The continuance is not based on lack of diligent

preparation on the part of the attorney for the United States or the defense, or failure on the part

of the attorney for the United States to obtain available witnesses.

Accordingly, the court finds that there are facts that support a continuance of the trial date

in this matter, and good cause for a finding of excludable time pursuant to the Speedy Trial Act,

18 U.S.C. § 3161.

ORDER

THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

1.   The Motion[11] is GRANTED.

2.   New case deadlines are:

Motion filing deadline: August 22, 2022.

Plea hearing deadline: August 29, 2022.

Final pretrial hearing: Monday, September 12, 2022, 1:30 pm.

Two-day jury trial: Monday, September 19, 2022, 8:30 am.

3.   The time period between the filing of the Motion and September 19, 2022,

inclusive, is excluded in computing the time within which the trial must commence, pursuant to 18

U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

DATED this 3rd day of May, 2022.

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[11] Docket no. 14, filed April 29, 2022.

BY THE COURT

Paul Kohler
United States Magistrate Judge